

IN RE: PETITION FOR VARIANCE
NE/S Reisterstown Road, 186' N
of its 1/2 w/Garrison View Road
(10019 Reisterstown Road)
3rd Election District
3rd Councilmanic District
Professional Realty Company
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-159-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Professional Realty Company, by Mark T. Willen, General Partner, through their attorney, John B. Contrum, Esquire. The Petitioner seeks relief from Section 203.3. C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an illuminated, freestanding sign of 48 sq.ft. per side (96 sq.ft. to all) in lieu of the maximum permitted 15 sq.ft. per side (30 sq.ft. total), in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner was John Contrum, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 10019 Reisterstown Road, consists of a gross area of 0.63 acres, more or less, split zoned R.O. and D.R. 16. This property was the subject of prior Case No. 87-12-KA in which a special exception and variance for a Class B office building was granted on July 15, 1986. The Petitioner now seeks a variance to permit an illuminated, freestanding sign of 48 sq.ft. per side to identify the tenants of the building. Testimony indicated that due to the location of the property and existing improvements thereon, it is difficult to locate the building. The photographs submitted into evidence as Petitioner's Exhibits 2 and 3 show that the building sits back off the road and is obscured from view by the adjacent Garrison House Apartments

property. Furthermore, the existing sign is not readily visible when travelling in either direction on Reisterstown Road due to landscaping on the adjoining property. Testimony indicated that the relief requested will not result in any detriment to the public health, safety or general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of November, 1993 that the Petition for Variance seeking relief from Section 203.3. C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an illuminated, freestanding sign of 48 sq.ft. per side (96 sq.ft. total) in lieu of the maximum permitted 15 sq.ft. per side (30 sq.ft. total), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

John B. Contrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
NE/S Reisterstown Road, 186' N of intersection w/Garrison View Road
(10019 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
Professional Realty Company - Petitioner
Case No. 94-159-A

Dear Mr. Contrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered in this matter, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-1391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: People's Counsel

file

ORDER RECEIVED FOR FILING
Date 11/22/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/22/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/22/93
By [Signature]

TWK:bjs

- 3 -

- 2 -

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 10019 Reisterstown Road
94-159-A which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property, situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

203.3.C.1 To allow an illuminated free standing sign of 48 square feet per side in lieu of permitted 15 square foot per side sign.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Location of site on Reisterstown Road and of building on the site mandates a sign which is readily visible and identifies the professionals in the building. The permitted sign size is inadequate for the facility.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessor
Type or Print Name
Signature
Address
City State Zipcode
Attorney for Petitioner
John B. Contrum
(Type or Print Name)
Signature
Address
City State Zipcode
Phone No.

814 Eastern Boulevard
Baltimore, MD 21221 (410) 686-8274
Phone No.
Address
City State Zipcode
Phone No.

ESTIMATED LENGTH OF HEARING
advisable for Hearing
the following date: Next Two Months
ALL OTHER
REVIEWED BY: DATE

DESCRIPTION TO ACCOMPANY PETITION
FOR VARIANCE REQUEST

94-159-A

RE: St Thomas Green
Lib./Fol. 5846/75

Point of beginning being located on the east side of Reisterstown Road North 41° 20' 00" West 186.06 feet ± from the intersection of the north side of Garrison View Road with the east side of Reisterstown road, thence in a clockwise direction:

- 1) South 48° 29' 22" West 7.00 feet ±
- 2) North 41° 20' 00" West 100.00 feet
- 3) North 48° 30' 00" East 250.06 feet
- 4) South 41° 14' 03" East 99.96 feet and
- 5) South 48° 29' 22" West 242.89 feet ± to the place of beginning.

Containing 0.57 Acres of land more or less.



(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/21/93

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/21/93

THE JEFFERSONIAN,

A. Henrichson
LEGAL ATTORNEY
TOWSON

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 14, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-159-A (Item 161)
10019 Reisterstown Road
NE/S Reisterstown Road, 186' N from intersection w/Garrison View Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Professional Realty Company
HEARING: WEDNESDAY, NOVEMBER 15, 1993 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow an illuminated free-standing sign of 48 square feet per side in lieu of the permitted 15 square feet per side.

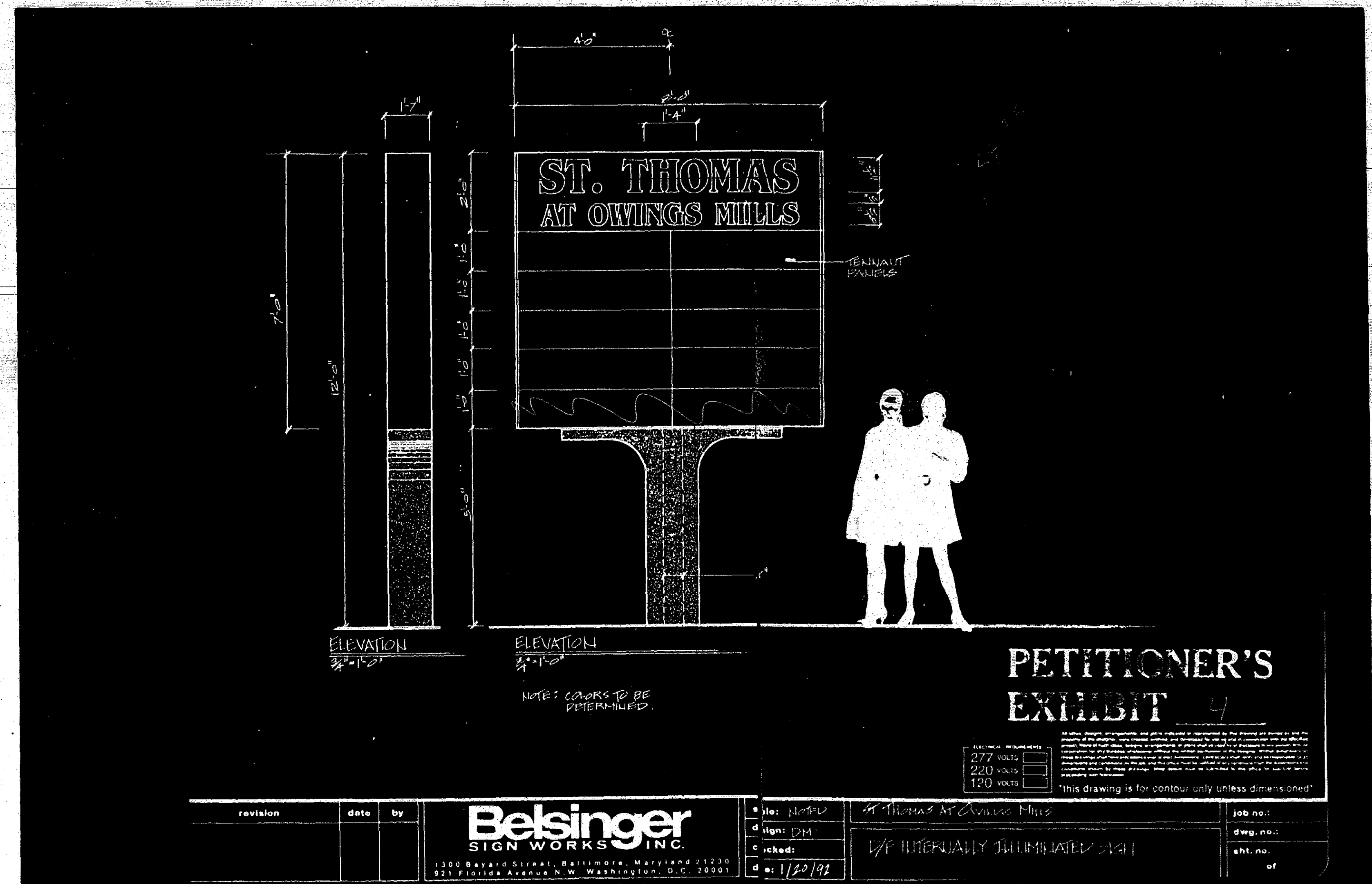
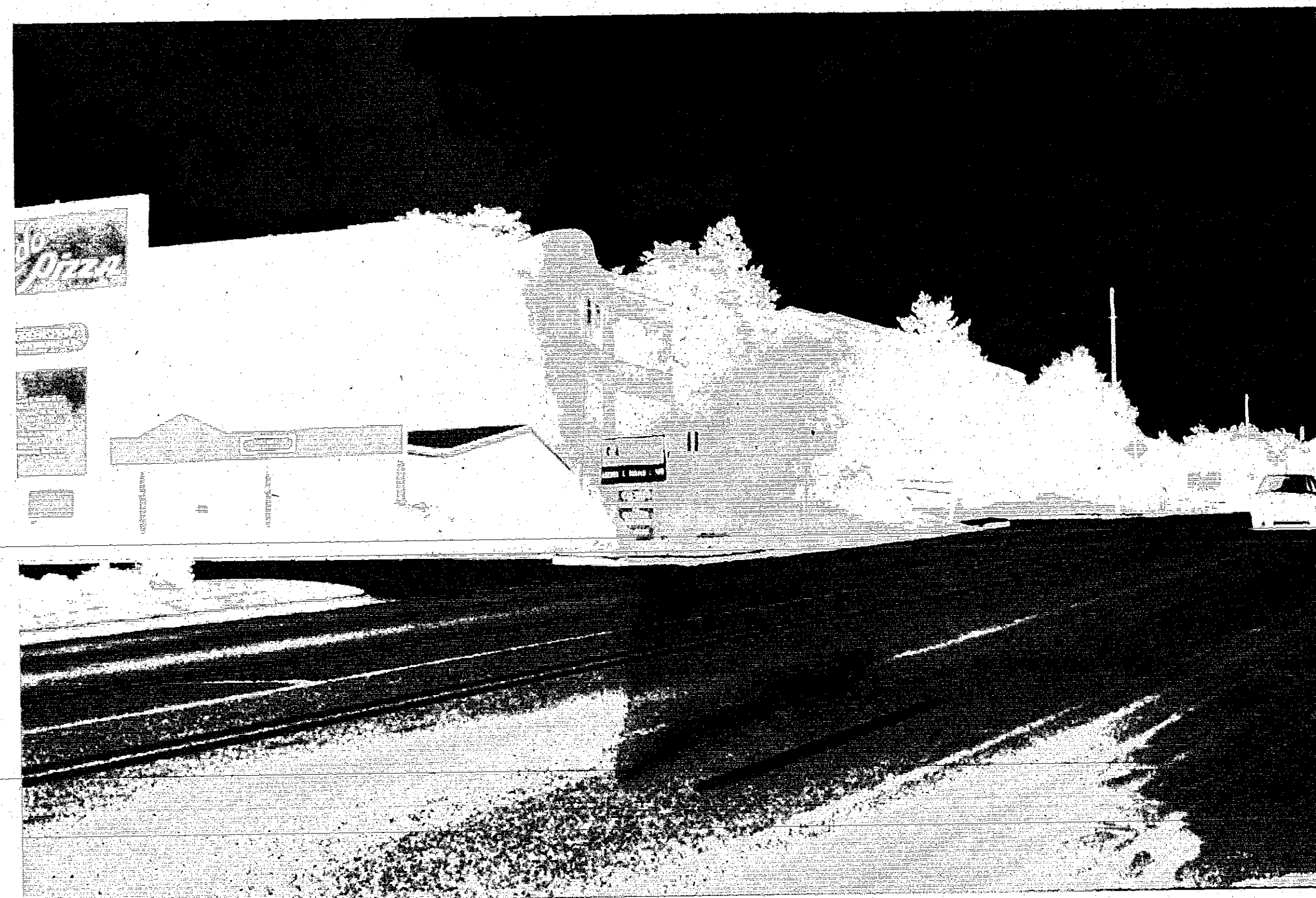
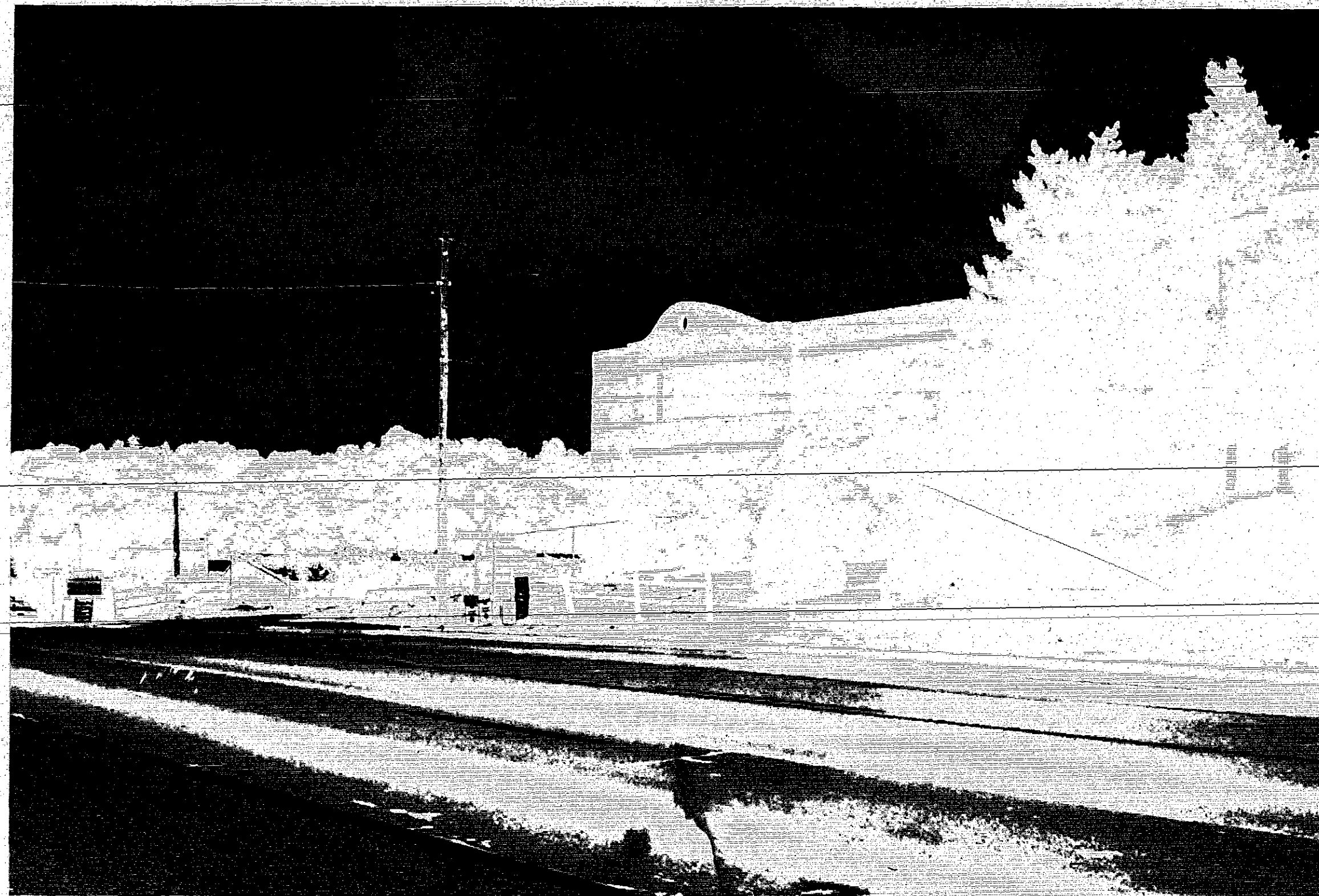
Arnold Leblon
Director

cc: Professional Realty Company
John B. Contrum, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARING ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-1351.
(3) FOR INFORMATION ON THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-1391.

ORDER RECEIVED FOR FILING
Date 11/22/93
By [Signature]

No REVIEW
10-8-93
WCR



FROM SECTION 203.3.C.1 TO PERMIT
A FREE-STANDING, ILLUMINATED
SIGN, 12 FEET HIGH, WITH 48
SQUARE FEET OF INFORMATION PER
SIDE IN LIEU OF THE PERMITTED
15 SQUARE FEET PER SIDE.

Storm Water Management approved under Bill No. 105.84

.003 Ac.ft.
.007 Ac.ft.
.010 Ac.ft.

MATCH LINE A-A SEE SHEET 2

TAKING 220V 757
30 PS @ 85 x 8
2 COM W/C @ 21 x 8
— 7 STALLED PS @ 85
TOTAL = 39 PS

AOS REQUIREMENT

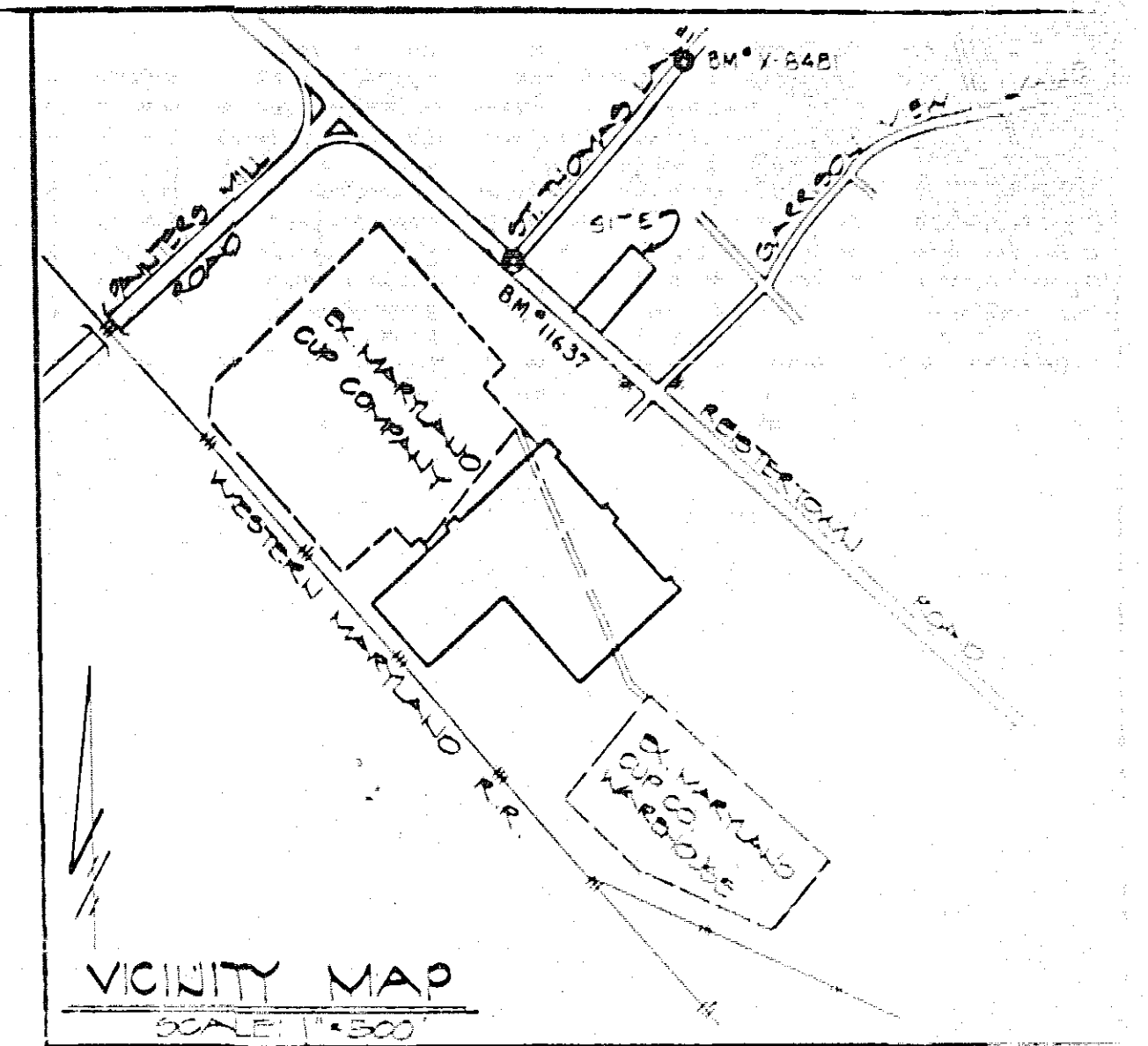
GROSS RO 24,390 SF @ 25% = 6098 SF:

* AOS PROVIDED IN RO ZONE 4513 SF = 185%

~ VARIANCE REQUESTED = 18.5%

AOS AVAILABLE IN PRIO ZONE = 2960 SF:

TOTAL AVAILABLE AOS = 2473 SF:



GENERAL NOTES

1. ELEVATION TOTAL 18
2. CONCRETE PAVEMENT 3
3. DRIVEWAY TOTAL 10000
4. SIDEWALKS 0
5. DRIVEWAY 0
6. TOTAL 18
- NET AREA 25746: 24,250 S.F. TO TOTAL
GROSS AREA 25746: 24,250 S.F. TO TOTAL
20.0 NET AREA: 2,500 S.F.: 25,000 AREA: 24,250 S.F.
20.0 NET AREA: 2,500 S.F.: 25,000 AREA: 24,250 S.F.
30.00 COVERAGE 24,250 S.F.
TOTAL FLOOR AREA 2,500 S.F.
PARKING REQUIRED 31.75
PARKING PROVIDED 38.75
(INCLUDES 2 HANDICAP SPACES & 7.5% DISCOUNT)
7 DEED REFERENCE 004475
8 TAX ACCOUNT NO 01-2300000000
9 FLOOR AREA RATIO
PERMITTED 55
* SHOWN 3.025 X 4,250 S.F.
6. GEOLOGICAL INFORMATION
(SEE ENVIRONMENTAL EFFECTS REPORT)
1. NO WETLANDS OR OTHER AREAS
2. NO ARCHEOLOGICAL SITES
3. NO ENDANGERED SPECIES
4. NO HAZARDOUS MATERIALS
5. LIGHTING SHALL BE REGULATED SO AS NOT TO REFLECT
RAYS TOWARD ADJACENT RESIDENCES OR INTERFERE
WITH TRAFFIC (MAX HEIGHT 8 FEET)
6. LANDSCAPING SHALL BE PROVIDED & MAINTAINED
WITH APPROPRIATE REGULATIONS
7. PARKING TO BE SCREENED FROM ADJACENT AREAS
BY MALL SLOPE, EVERGREEN PLANTINGS & FENCING
(FREE OF OR IN COMBINATION WITH)
8. SOL TYPE

SOIL TYPE	BUILDINGS 3 STY 02 LBSB		STREETS
	W/ BSMT	W/O BSMT	PARKING LOT
EN32	SLIGHT	SLIG-	MODERATE
EN62	MODERATE	MODERATE	SEV. DAMAGE

03-03-023612

94-159-A

ZONING HISTORY

REVISED PER ZONING ORDER - AUGUST 3, 198

- | | | |
|-------|-----------------------------------|-------------------------------|
| 10 IN | SECTION OF HISTORICAL EMBLEMATION | RECORDING DATE |
| 40 | ADDITIONAL PARTICIPANTS | |
| 50 | NAME OF COMMUNIST PARTY | PEOPLE'S DEFENSE ORGANIZATION |
| 60 | NAME OF DEFENSE GROUP | |
| 70 | NAME OF DEFENSE GROUP | |
| 80 | NAME OF DEFENSE GROUP | |
| 90 | NAME OF DEFENSE GROUP | |
| 100 | NAME OF DEFENSE GROUP | |
| 110 | NAME OF DEFENSE GROUP | |
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| 980 | NAME OF DEFENSE GROUP | |
| 990 | NAME OF DEFENSE GROUP | |
| 1000 | NAME OF DEFENSE GROUP | |

(2) EF-195

Modify Original Special Hearing
1-26-88
Amended site plan with respect
amenity open space.

CRG Approval Date: 9-26-86
Building Permit No: 93055
Control No: _____

PETITIONER'S
EXHIBIT

PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE

ST. THOMAS
PROFESSIONAL BUILDING

3rd ELECTION DISTRICT BALTIMORE CO., MARYLAND
TAX MAP PARCEL NO.
DATE: OCTOBER 10, 1988 SCALE: 1" = 20'

9/9/93

BENCH MARKS

B.M.*X-8481 Elev. 526.708
R.R. Spike in Mac. South of North end of St.
Thomas Lane. N 43351.87 W 43404.38
B.M.*11637 Elev. 504.060
Set 1/2" Iron Bar in Mac. on South side of St.
Thomas Lane at Reisterstown Road. N 42399.10 W 44150.59

STORM WATER MANAGEMENT
"AS-BUILT" CERTIFICATION

We hereby certify, to the best of our knowledge, that the Facility shown on this plan was constructed as shown in red on the "As-Built" plans and meets the approved plans and specifications.

DEVELOPER'S/LANDOWNER'S CERTIFICATION

I/We hereby certify that all proposed work shown on these construction drawing(s) and on the approved sediment control drawing(s) will be accomplished pursuant to these plans. I/We also understand that it is my/our responsibility to have the construction supervised and certified, including the submittal of "As-Built" plans within thirty (30) days of completion, by a registered Professional Engineer.

A NEW SIGN LOCATION 8/11/93 B/W

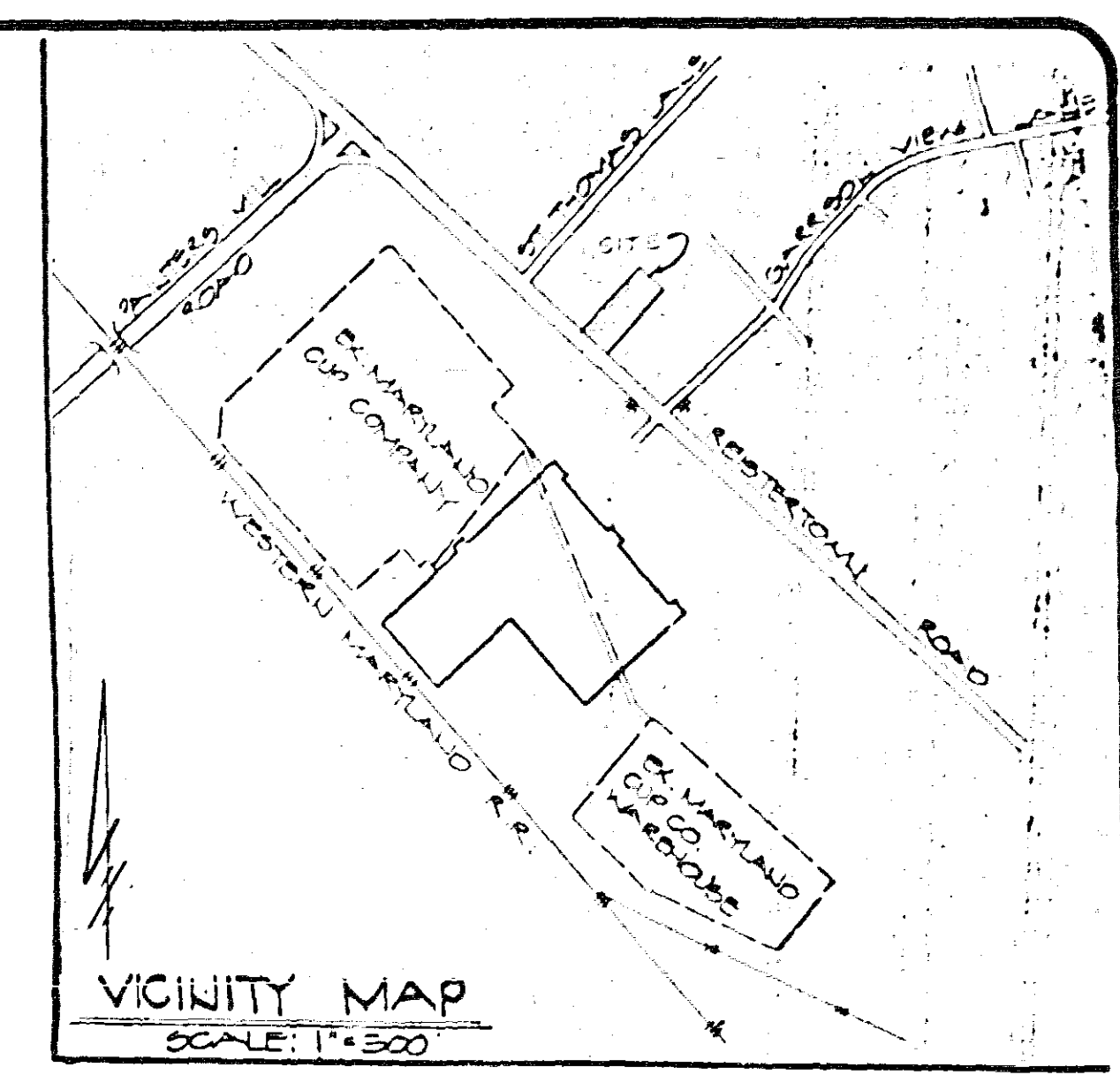
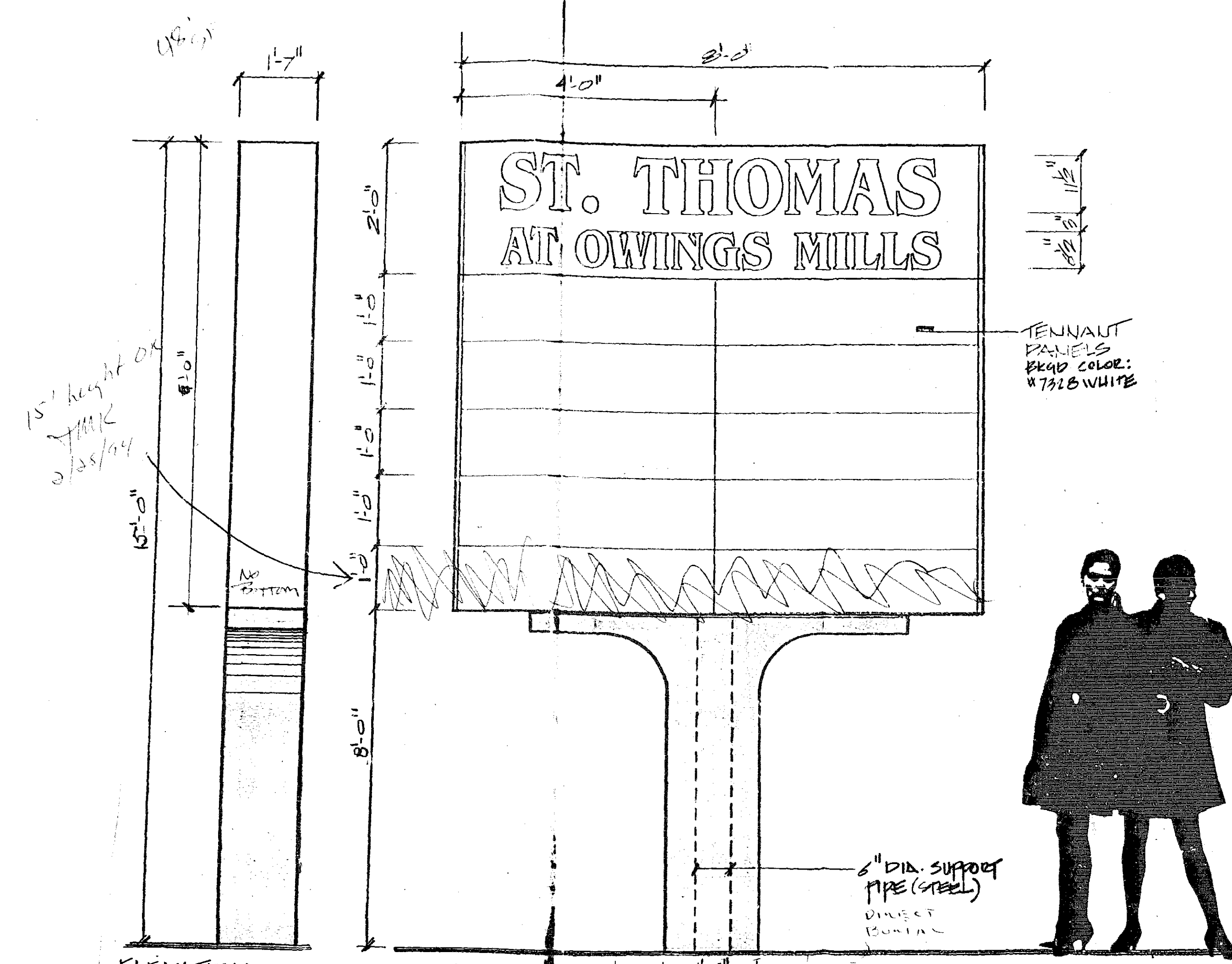
PURDUM & JESCHKE
CONSULTING ENGINEERS
LAND SURVEYORS

ENGINEER'S CERTIFICATION

I hereby certify that this plan has been prepared by me or under my supervision and meets the minimum standards of the Baltimore County Department of Public Works and the Baltimore County Soil Conservation District.

SIGNED Richard H. Briel P.E. 1075
DATE 8/14

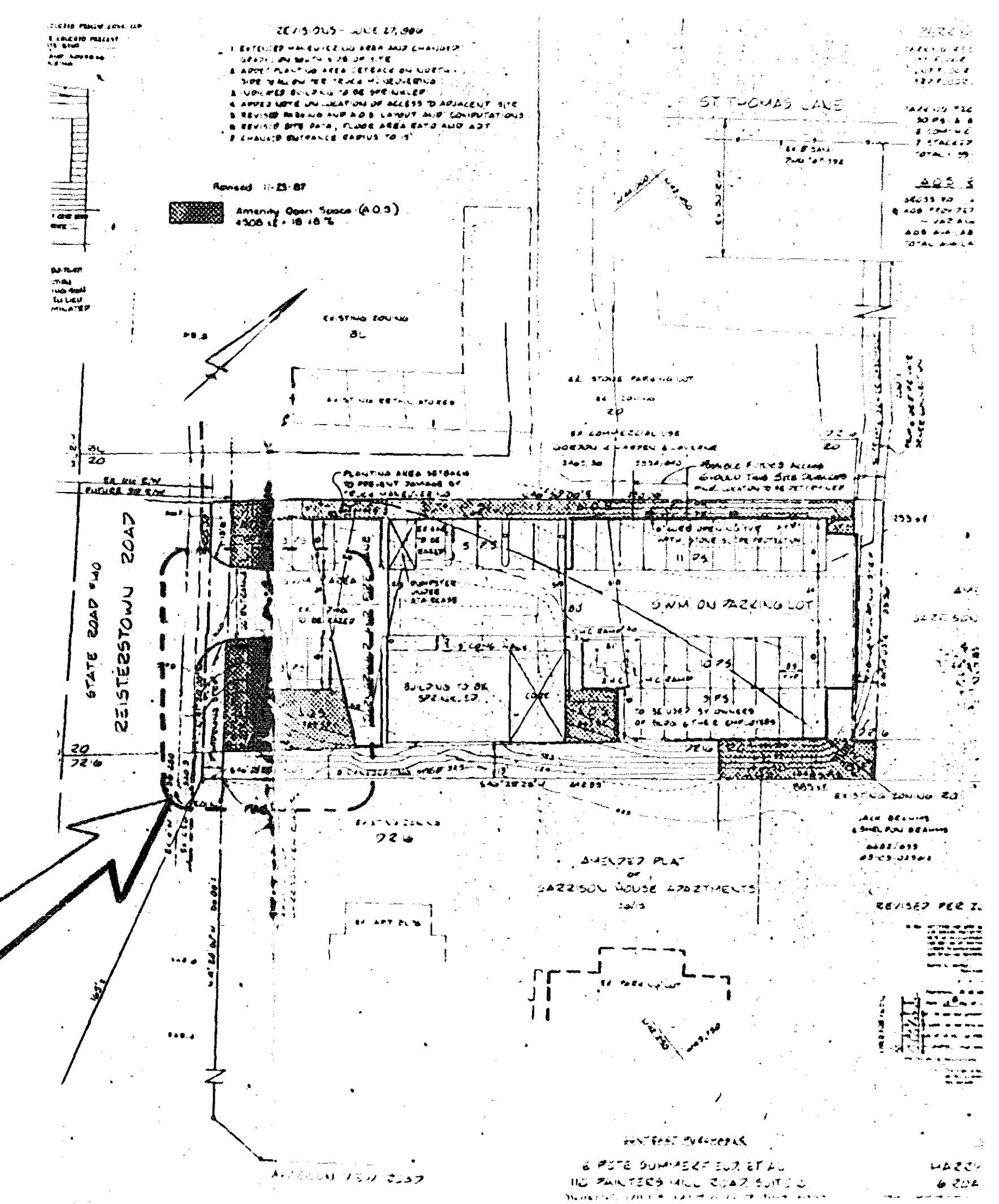
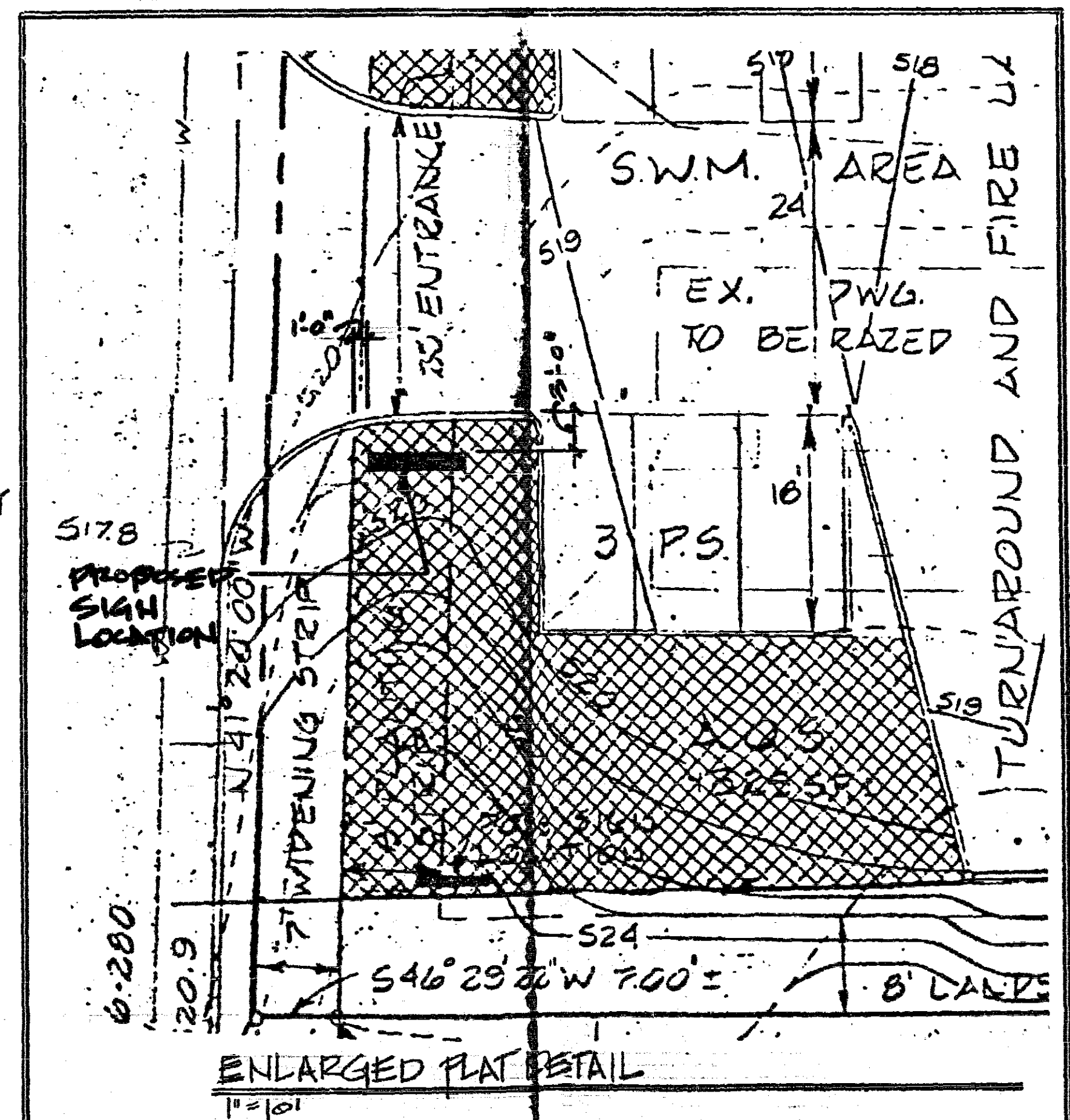
1020 North Calvert Street
Baltimore, Maryland 21202 301/832-0100



ELEVATION 1
1/4" = 1'-0"
SIGN FACE = 98 SQ. FT.
48

CONCRETE FOUNDATION
1"50 STEEL ANTI TUNNEL BARS WELDED THROUGH FORM

NOTE:
SIGN TO BE LOCATED BACK 1'-0" FROM PROPERTY LINE 3'-0" BACK FROM DRIVEWAY.



PLAT PLAN
1" = 40'

Approved: [Signature]
Zoning Case 14-157-A

277 VOLTS	<input type="checkbox"/>
220 VOLTS	<input type="checkbox"/>
120 VOLTS	<input type="checkbox"/>

this drawing is for contour only unless dimensioned

no.	revision	date	by	Belsinger SIGN WORKS INC. 1300 Bayard Street, Baltimore, Maryland 21230 921 Florida Avenue N.W. Washington, D.C. 20001	All ideas, designs, arrangements, and plans indicated or represented by this drawing are owned by and the property of the designer, were created, evolved, and developed for use on and in connection with the specified project. None of such ideas, designs, arrangements, or plans shall be used by or disclosed to any person, firm, or corporation for any purpose whatsoever without the written permission of the designer. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and this office must be notified of any variations from the dimensions and conditions shown by these drawings. Shop details must be submitted to this office for approval before proceeding with fabrication.	scale: NOTED design: RCH checked: date: 1-11-93	ST. THOMAS AT OWINGS MILLS 0019 REPT. TOWN ROAD PERMIT DRAWING FREESTANDING PYLON SIGN	job no.: dwg. no.: 2721 sht. no.: 1 of 1